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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,441

12/21/2006

Andre Francisco

063001

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38834

7590

12/11/2009

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EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT

PAPER NUMBER

3739

NOTIFICATION DATE

DELIVERY MODE

12/11/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary	Application No. 10/591,441	Applicant(s) FRANCISCO ET AL.	
	Examiner MATTHEW J. KASZTEJNA	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/1/6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connections between the multiple paths must be shown or the feature(s) canceled from the claim(s). For example, the connections between the “communication path” and the “coupling path”, the “branch-off path” and the “irrigation/outflow channels”, the “blind path” and “branch-off path” are not shown in any of the Figures. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The connections between the multiple paths are unclear when viewing the drawings and reading the disclosure. For example, the connections between the “communication path” and the “coupling path”, the “branch-off path” and the “irrigation/outflow channels”, the “blind path” and “branch-off path” are not shown in any of the Figures. Furthermore, claim 1 recites multiple paths (i.e. a communication path and a coupling path) which are disclosed in the specification as first and second communication paths 19 and 21 and first and second coupling paths 13 and 15 (see paragraphs 0021-0024). Such terminology leads to confusion as to how the various paths are connected to each other and the positioning of the various paths with respect to one another. Additionally, in claim 2, it is unclear how the branch-off path is placed both downstream and upstream of a coupling path, when the first and second coupling paths are not defined in the limitations of claim 1. Furthermore, it is unclear the blind

path how the blind path communicates with the branch-off path. The Figures and specification lead to overall confusion with regard to the positioning of each the various paths and the relationships of the connections between each of the recited paths. It is unclear how the first and second sensors are positioned with respect to the paths as well. Claims 6-7 and 11-12 are rejected as being necessarily dependant upon the aforementioned claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,836,909 to Cosmescu.

In regard to claims 1, 3, 6-8 and 11-12, Cosmescu discloses an endoscopy system comprising an irrigation channel and outflow channel respectively, intended for transporting an irrigation fluid and outflow fluid respectively, a coupling ring mounted around the cannula and provided with a coupling path for coupling to the irrigation channel, and to the outflow channel respectively, and a connector mounted on the coupling ring and comprising a communication path for communicating with the coupling path and a first pressure sensor 38 for sensing the pressure in the communication path (see Col. 3, Lines 40-67), wherein the coupling ring is provided with a branch-off path that communicates with the irrigation channel, and with the outflow channel

respectively, and in that the connector includes a blind path communicating with the branch-off path and a second pressure sensor 40 for sensing the pressure in this blind path (see Figs. 1-2 and Col. 5, Lines 8-55).

In regard to claims 2, 4-5 and 9-10, Cosmescu discloses wherein the branch-off path is placed downstream of the coupling path for coupling to the irrigation channel relative to the transport of the irrigating fluid and upstream of the coupling path for coupling to the outflow channel relative to the transport of the outflow fluid, and in that an irrigation tap 54 is provided for closing or opening the coupling path to the irrigation channel, upstream of the branch-off path, and an outflow tap 56 is provided for closing or opening the coupling path to the outflow channel, downstream of the branch-off path (see Fig. 3).

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,402,770 to Iida et al.

In regard to claims 1, 3, 6-8 and 11-12, Iida et al. disclose an endoscopy system comprising an irrigation channel and outflow channel respectively, intended for transporting an irrigation fluid and outflow fluid respectively, a coupling ring mounted around the cannula and provided with a coupling path for coupling to the irrigation channel, and to the outflow channel respectively, and a connector mounted on the coupling ring and comprising a communication path for communicating with the coupling path and a first pressure sensor 69 for sensing the pressure in the communication path (see Col. 7, Lines 10-40), wherein the coupling ring is provided with a branch-off path that communicates with the irrigation channel, and with the outflow channel

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respectively, and in that the connector includes a blind path communicating with the branch-off path and a second pressure sensor 72 for sensing the pressure in this blind path (see Figs. 1, 6, 9 and Col. 12, Lines 45-68).

In regard to claims 2, 4-5 and 9-10, Iida et al. disclose wherein the branch-off path is placed downstream of the coupling path for coupling to the irrigation channel relative to the transport of the irrigating fluid and upstream of the coupling path for coupling to the outflow channel relative to the transport of the outflow fluid, and in that an irrigation tap is provided for closing or opening the coupling path to the irrigation channel, upstream of the branch-off path, and an outflow tap is provided for closing or opening the coupling path to the outflow channel, downstream of the branch-off path (see Figs. 2 and 9).

. Claims 3-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,796,007 to Panagotopoulos et al.

In regard to claims 3, 6-8 and 11-12, Panagotopoulos et al teaches a pressure transducer having a fluid communication path (60, i.e. hydraulic connection), a blind compartment (48, i.e. plenum) that opens onto the communication path (60) via a duct (i.e. open faced cavity - See Column 5, line 8) and is closed off by a membrane 52, i.e. diaphragm) that deforms according to the pressure (P1) in the communication path (60) (Column 5, lines 6-27 & lines 39-65; See Figures 1 & 2) and a means (66, 68 & 88, i.e. sensing elements & circuit board) for transmitting a quantity representative of the pressure in the communication path (60) according to the deformation of the membrane (52) (Column 7, lines 2-19; Figure 1), wherein the communication path (60), the duct

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(i.e. open faced cavity), and the blind compartment (48) are formed in the same rigid part to which the membrane (52) is attached (See Figure 1). Panagotopulos et al teaches wherein the membrane (52) closes off both the blind compartment (48, 50) and a pressure-transmitting chamber (78, i.e. cavity) connected to the rigid part in order to convert the deformation of the membrane (52) into a pressure representative of the pressure in the communication path (60, 62) (Column 6, lines 13-39; See Figure 1). Panagotopulos et al teaches wherein the pressure-transmitting chamber (78) is filled with air in order to convert the deformation of the membrane (52) into an air pressure (See Figures 1 & 2). Panagotopulos et al teaches wherein the membrane (52) closes off both the blind compartments (48, 50) and a pressure-transmitting chamber (78) connected to the rigid part in order to convert the deformation of the membrane (52) into a pressure representative of the pressure in the communication path (60) (See Figures 1 & 2).

In regard to claims 4-5 and 9-10, Panagotopulos et al teaches wherein two communication paths (60, 62) and two blind compartments (48, 50) are formed in the rigid part, each blind compartment (48, 50) opening onto one of the two communication paths (60, 62) and each being closed off by a membrane (52, 54) attached to the rigid part (Column 5, lines 6-27 & lines 39-65; See Figures 1 & 2). Panagotopulos et al teaches wherein each blind compartment (48, 50) opens onto each communication path (60, 62) respectively (Column 5, lines 6-27 & lines 39-65; See Figures 1 & 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. KASZTEJNA whose telephone number is (571)272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J Kasztejna/
Primary Examiner, Art Unit 3739

12/7/09